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1 2 MAR 2008

920476-104020

Legal Staff
International Division

MAIL STOP PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

Robert Friskney

SERIAL NO. 10/593,108

INTERNATIONAL FILING DATE: April 6, 2005)

FOR: Differential Forwarding in Address-
Based Carrier Networks

)
) Examiner:

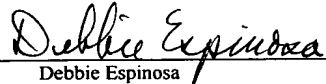
) Customer No. 23644

) Confirmation No. 9368

Certificate of Mailing

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to
Commissioner for Trademarks, P.O. Box 1451,
Alexandria, VA 22313-1451, " on March 5, 2008.

Signature:


Debbie Espinosa

RESPONSE TO DECISION DATED MARCH 5, 2008

ATTN: Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the decision dated March 5, 2008 regarding this application.

In the decision, the Patent and Trademark Office indicates that, pursuant to 37 C.F.R. 1.497(d), applicant has provided all requirements except for requirement (3). That item is the written consent of the assignee, which, the Patent and Trademark Office indicates, is not established because the Patent and Trademark Office apparently cannot locate the assignments for this application.

It appears that perhaps the Patent and Trademark Office has mishandled the assignment documents. The assignment documents were clearly filed with the Patent and Trademark Office and were received by the Patent and Trademark Office on April 16, 2007. Submitting herewith is a copy of the postcard receipt of the firm of the undersigned, showing the receipt by the Patent and Trademark Office on April 16, 2007. Also attached hereto is a copy of the transmittal form

providing the assignments, as well as complete copies of the assignments, including their transmittal documents.

It appears that the Patent and Trademark Office has never recorded the assignments, although the Patent and Trademark Office was quite happy to cash the checks that were provided to the Patent and Trademark Office at that time. The assignments should be recorded, appropriately, without further delay.

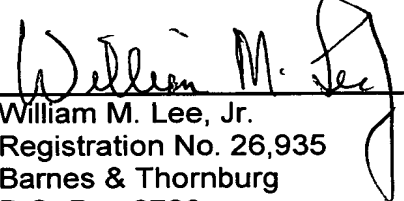
The Patent and Trademark Office appears to have questioned the capacity of Daniel Hermele to act on behalf of the assignee. Mr. Hermele has executed this same type of document on many occasions before, and it has been accepted by the Patent and Trademark Office. Mr. Hermele is IP counsel for the assignee, Nortel Networks Limited, and is located in Harlow, United Kingdom. It is believed that appropriate authority has been established.

Just to leave no stone unturned, in case necessary, submitted herewith is a statement under 37 C.F.R. 3.73(b). It is believed that all is in order.

Further action is now awaited.

March 10, 2008

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)

Case No.: 43352-105232

In Re the Application of Robert Friskney

U.S. Application No. 10/593,108; Int'l Filing Date: 04/06/05

For: Mate Line Closure

The following was sent to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- Transmittal to the U.S. Designated/Elected Office (DO/EO/US) – in dupl..
- Recordation Form Cover Sheet w/ Executed Assignment for Inventor Robert Friskney;
- Recordation Form Cover Sheet w/ Executed Assignment for Inventors Bragg/Parry/Brueckheimer;
- Recordation Form Cover Sheet w/ Executed Assignment for Inventors Ashwood-Smith/Allan;
- Executed Declaration for Inventor Robert Friskney;
- Executed Declaration for Inventors Bragg/Parry/Brueckheimer;
- Executed Declaration for Inventors Ashwood-Smith/Allan;
- Executed Power of Attorney;
- Check # 142499 in the amount of \$130.00;
- Check # 142498 in the amount of \$40.00;
- Check # 15399 in the amount of \$80.00; and
- Return Receipt Postcard,
- Check in the amount of \$25.00; and
- Return Receipt Postcard.

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APR 25 2007

BARNES & THORNBURG

April 13, 2007

IAP12 Rec'd PCT/PTO 16 APR 2007

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 920476-104020
INTERNATIONAL APPLICATION NO. PCT/GB2005/001332		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/593,108
INTERNATIONAL FILING DATE April 6, 2005		PRIORITY DATE CLAIMED April 6, 2005
TITLE OF INVENTION Differential Forwarding in Address-Based Carrier Networks		
APPLICANT(S) FOR DO/EO/US Robert Friskney, Nigel Bragg, Simon Parry, Peter Ashwood-Smith, David Allen, Simon Brueckheimer, Mark Gibbons		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
20. Other items or information:					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations..... \$200					
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$500					
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 120.00	
TOTAL FEES ENCLOSED =				\$ 250.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 250.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-0913. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 359-1313
(312) 759-5646


SIGNATURE

William M. Lee, Jr.

NAME

26,935

REGISTRATION NUMBER

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Robert Friskney

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
- ☐ Security Agreement ☐ Change of Name
- ☐ Other

Execution Date: November 13, 2006

2. Name and address of receiving party(ies):

Name: Nortel Networks Limited

Internal Address: _____

Street Address: 2351 Boulevard Alfred-Nobel, St. Laurent, Quebec, Canada, H4S 2A9Additional name(s) & address(es) attached? ☒ Yes ☐ No

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/593,108

B. Patent No.(s)

Additional numbers attached: ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: William M. Lee, Jr.Internal Address: Barnes & ThornburgStreet Address: P.O. Box 2786City: Chicago State: Illinois Zip: 60690-2786

6. Total number of applications and patents involved: one

7. Total fee (37 CFR 3.41) \$ 40.00

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8. Deposit account number:

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William M. Lee, Jr.

Name of Person Signing

Signature

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FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I (we) the undersigned, whose full post office address(es) is(are) listed below my (our) name(s), do hereby sell, assign and transfer to:

NORTEL NETWORKS LIMITED

(hereinafter "Nortel"), its successors, assigns and legal representatives, whose full post office address is:

2351 Boulevard Alfred-Nobel
St. Laurent, Quebec
Canada, H4S 2A9

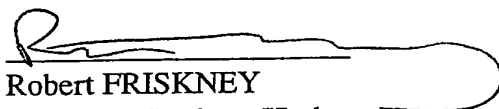
all their right, title, and interest worldwide in and to the invention relating to

Differential Forwarding in Address-Based Carrier Networks

as described in an application for letters patent filed concurrently herewith or filed in United States on and given serial number 10/593,108, as well as all rights and privileges including priority rights arising from the aforesaid application and corresponding applications in other countries, all continuations, continuations-in-part, divisions, renewals, substitutes or reissues thereof, and all the rights and privileges under any and all letters patent that may be granted for said invention.

I (We) undertake without charges to Nortel but at its request and expense to execute all documents, take all oaths and do all reasonable acts to enable Nortel, its successors assigns and legal representatives to procure and maintain patent or any other intellectual property protection for said invention in any and all countries and to vest title thereto to Nortel, its successors assigns and legal representatives.

THE UNDERSIGNED hereby authorizes Nortel's Intellectual Property Law Group to correct clerical errors in this Assignment or to insert any further identification or other information necessary or desirable to make this Assignment suitable for recordal in a domestic or foreign Patent Office.


Robert FRISKNEY
78 Albert Gardens, Harlow,
Essex, CM17 9QG, UK


Witness Signature

13/11/2006
(insert Date)

K. LEGATE
Witness Name (Print)

Nigel BRAGG
Homewards, Chapel Road,
Weston Colville, Cambridgeshire,
CB1 5NX, UK

(insert Date)

Witness Signature

Witness Name (Print)

Simon PARRY
15 Mallows Green Road, Manuden,
Bishops Stortford, Essex, CM23 1DG,
UK

(insert Date)

Witness Signature

Witness Name (Print)

Peter ASHWOOD SMITH
20 Des Genevriers, Gatineau,
Quebec, J9A 2V8, Canada

(insert Date)

Witness Signature

Witness Name (Print)

David ALLAN
852 Forest St., Ottawa,
Ontario, K2B 5P9, UK

(insert Date)

Witness Signature

Witness Name (Print)

Simon BRUECKHEIMER
74 Church Crescent, London,
N10 3NE, UK

(insert Date)

Witness Signature

Witness Name (Print)

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Nigel Bragg, Simon Parry, Simon Brueckheimer

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Dates: November 6, 2006, November 3, 2006, December 7, 2006

2. Name and address of receiving party(ies):

Name: Nortel Networks Limited

Internal Address: _____

Street Address: 2351 Boulevard Alfred-Nobel, St. Laurent, Quebec,
Canada, H4S 2A9Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/593,108

B. Patent No.(s)

Additional numbers attached: ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: William M. Lee, Jr.Internal Address: Barnes & ThornburgStreet Address: P.O. Box 2786City: Chicago State: Illinois Zip: 60690-2786

6. Total number of applications and patents involved: one

7. Total fee (37 CFR 3.41) \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

12-0913

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William M. Lee, Jr.

Name of Person Signing

Signature

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FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I (we) the undersigned, whose full post office address(es) is(are) listed below my (our) name(s), do hereby sell, assign and transfer to:

NORTEL NETWORKS LIMITED

(hereinafter "Nortel"), its successors, assigns and legal representatives, whose full post office address is:

2351 Boulevard Alfred-Nobel
St. Laurent, Quebec
Canada, H4S 2A9

all their right, title, and interest worldwide in and to the invention relating to

Differential Forwarding in Address-Based Carrier Networks

as described in an application for letters patent filed concurrently herewith or filed in United States on and given serial number 10/593,108, as well as all rights and privileges including priority rights arising from the aforesaid application and corresponding applications in other countries, all continuations, continuations-in-part, divisions, renewals, substitutes or reissues thereof, and all the rights and privileges under any and all letters patent that may be granted for said invention.

I (We) undertake without charges to Nortel but at its request and expense to execute all documents, take all oaths and do all reasonable acts to enable Nortel, its successors assigns and legal representatives to procure and maintain patent or any other intellectual property protection for said invention in any and all countries and to vest title thereto to Nortel, its successors assigns and legal representatives.

THE UNDERSIGNED hereby authorizes Nortel's Intellectual Property Law Group to correct clerical errors in this Assignment or to insert any further identification or other information necessary or desirable to make this Assignment suitable for recordal in a domestic or foreign Patent Office.

Robert FRISKNEY
78 Albert Gardens, Harlow,
Essex, CM17 9QG, UK

(insert Date)

Witness Signature

Witness Name (Print)

Nigel H Bragg
Nigel BRAGG
Homewards, Chapel Road,
Weston Colville, Cambridgeshire,
CB1 5NX, UK

Simon Parry
Witness Signature

Simon Parry
Simon PARRY
15 Mallows Green Road, Manuden,
Bishops Stortford, Essex, CM23 1DG,
UK

C. Ransden
Witness Signature

Peter ASHWOOD SMITH
Peter ASHWOOD SMITH
20 Des Genevriers, Gatineau,
Quebec, J9A 2V8, Canada

Witness Signature

David ALLAN
David ALLAN
852 Forest St., Ottawa,
Ontario, K2B 5P9, UK

Witness Signature

S. Brueckheimer
Simon BRUECKHEIMER
74 Church Crescent, London,
N10 3NE, UK

C. Coleman
Witness Signature

2

06-11-06
(insert Date)

SIMON PARRY
Witness Name (Print)

3 NOV 2006
(insert Date)

C. RANSDEN
Witness Name (Print)

(insert Date)

Witness Name (Print)

(insert Date)

Witness Name (Print)

7/12/6
(insert Date)

CATHARINE COLEMAN
Witness Name (Print)

PATENTS ONLY

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1. Name of conveying party(ies):

Peter Ashwood-Smith, David Allan

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
- ☐ Security Agreement ☐ Change of Name
- ☐ Other

Execution Dates: November 21, 2006, November 2, 2006

2. Name and address of receiving party(ies):

Name: Nortel Networks Limited

Internal Address: _____

Street Address: 2351 Boulevard Alfred-Nobel, St. Laurent, Quebec, Canada, H4S 2A9Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s).

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A. Patent Application No.(s)

10/593,108

B. Patent No.(s)

Additional numbers attached: ☐ Yes ☒ No

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8. Deposit account number:

12-0913

(Attach duplicate copy of this form if paying by deposit account.)

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William M. Lee, Jr.

Name of Person Signing

Signature

April 13, 2007

Date

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NORTEL NETWORKS LIMITED

(hereinafter "Nortel"), its successors, assigns and legal representatives, whose full post office address is:

2351 Boulevard Alfred-Nobel
St. Laurent, Quebec
Canada, H4S 2A9

all their right, title, and interest worldwide in and to the invention relating to

Differential Forwarding in Address-Based Carrier Networks

as described in an application for letters patent filed concurrently herewith or filed in United States on and given serial number 10/593,108, as well as all rights and privileges including priority rights arising from the aforesaid application and corresponding applications in other countries, all continuations, continuations-in-part, divisions, renewals, substitutes or reissues thereof, and all the rights and privileges under any and all letters patent that may be granted for said invention.

I (We) undertake without charges to Nortel but at its request and expense to execute all documents, take all oaths and do all reasonable acts to enable Nortel, its successors assigns and legal representatives to procure and maintain patent or any other intellectual property protection for said invention in any and all countries and to vest title thereto to Nortel, its successors assigns and legal representatives.

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Robert FRISKNEY
78 Albert Gardens, Harlow,
Essex, CM17 9QG, UK

(insert Date)

Witness Signature

Witness Name (Print)

 Nigel BRAGG
 Homewards, Chapel Road,
 Weston Colville, Cambridgeshire,
 CB1 5NX, UK

 (insert Date)

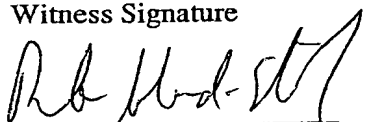
 Witness Signature

 Witness Name (Print)

 Simon PARRY
 15 Mallows Green Road, Manuden,
 Bishops Stortford, Essex, CM23 1DG,
 UK

 (insert Date)

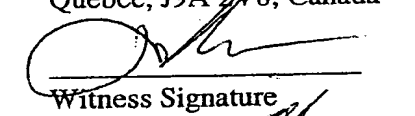
 Witness Signature


 Peter ASHWOOD SMITH
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Nov 2 / 2006
 (insert Date)

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 Witness Signature

 Witness Name (Print)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Robert FriskneyApplication No./Patent No.: 10/593,108 Filed/Issue Date: 04/06/2005Entitled: Differential Forwarding in Address-Based Carrier Networks

Nortel Networks Limited, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

William M. Lee Jr.
Signature
William M. Lee Jr.
Printed or Typed Name
Attorney for Applicant
Title

March 10, 2008
Date
312-214-4800
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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P.O. BOX 2786
CHICAGO, IL 60690-2786

DOCKETED

FOR: _____
Due Date: 5/15/08
Final Date: _____

In re Application of FRISKNEY et al :
U.S. Application No.: 10/593,108 :
PCT Application No.: PCT/GB2005/001332 :
Int. Filing Date: 06 April 2005 :
Priority Date Claimed: 06 April 2004 :
Attorney Docket No.: 920476-104020 :
For: DIFFERENTIAL FORWARDING IN :
ADDRESS-BASED CARRIER NETWORKS :

DECISION

This is in response to applicant's "Change of Inventorship Pursuant to 35 C.F.R. § 1.497(d)" filed 26 December 2007.

BACKGROUND

On 06 April 2005, applicant filed international application PCT/GB2005/001332, which claimed priority of an earlier United States application filed 06 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 October 2006.

On 15 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 April 2007, applicant filed executed declarations.

On 11 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration filed 16 April 2007 omitted an inventor who was listed in the published international application.

On 21 May 2007, applicant filed a response to the Notification of Missing Requirements.

On 20 November 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that applicant's 21 May 2007 response did not address the defect indicated in the Notification of Missing Requirements.

On 26 December 2007, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Mark Gibbon should be deleted as an inventor.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the petition includes a statement of written consent from the purported assignee Nortel Networks Limited ("Nortel"). The statement of consent either (1) is not signed by a person with apparent authority to sign on behalf of the assignee or (2) does not set forth that the person signing is authorized to act on behalf of the assignee. See MPEP 324, Section V. Furthermore, Nortel has not established ownership of the application in accordance with 37 CFR 3.73(b)(1). Although the petition states that a copy of an assignment document was previously filed, the application file contains no such assignment document.

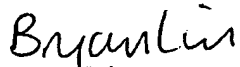
With regard to item (4) above, no new oath or declaration is required by 37 CFR 1.497(f).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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